

\* \* \* Prodotto Italiano Olio d'Olive [design of an olive branch] \* \* \* This olive oil is guaranteed pure olio d'Olive. Questo Olio e garantito di puro Olive Olio d'Olive. Imported Pure Olive Oil"; (16 cases) "Superfine Olive Oil \* \* \* Imported Product. Olio d'Olive Sopraffino \* \* \* Prodotto Importato [design of an olive branch] Pure Olive Oil Imported. Olio Puro d'Olive Raccomandato per uso medicinale. Puro Olio di Olive"; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its labeling failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (4) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (5) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (6) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On December 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2962. Adulteration and misbranding of oil. U. S. v. 17 Cans of Corn and Olive Oil and 8 Cartons of Peanut Oil. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 4911, 6059. Sample Nos. 56669-E, 74069-E.)**

Examination showed that the portion of this product labeled "Corn Oil and Imported Olive Oil" consisted essentially of peanut oil with some olive oil and cottonseed oil, containing little if any corn oil; and that labeled "Peanut Oil" was peanut oil artificially flavored and colored to simulate olive oil.

On or about June 20, and on September 22, 1941, the United States attorney for the District of Connecticut filed libels against 17 gallon cans of oil at New Haven, and 8 cartons each containing 1 5-gallon can of oil at East Haven, Conn., alleging that the article had been shipped in interstate commerce on or about May 8 and September 22, 1941, by Best Packing Co., Inc., from New York, N. Y.; and charging that it was misbranded and that a portion was also adulterated.

The oil at New Haven was alleged to be adulterated in that an article consisting essentially of peanut oil with some olive oil and cottonseed oil, containing little if any corn oil, had been substituted wholly or in part for "Corn Oil and Imported Olive Oil," which it purported to be.

It was alleged to be misbranded (1) in that the statement "Corn Oil and Imported Olive Oil" was false and misleading as applied to an article consisting essentially of peanut oil with some olive oil and cottonseed oil, containing little if any corn oil; and (2) in that the label contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by the law to appear on the label.

The oil at East Haven was alleged to be misbranded (1) in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; and (2) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On December 20, 1941, and May 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

**2963. Misbranding of oil. U. S. v. 48 Cases and 42 Cases of Oil. Consent decree of condemnation. Product ordered released under bond to be re-labeled. (F. D. C. No. 5337. Sample Nos. 51625-E, 51626-E.)**

Examination of this product showed that it consisted essentially of cottonseed oil artificially colored and flavored to simulate olive oil. Stickers pasted near the bottom of most of the cans bore in very small type the statements, (Pulcella brand) "Corn Oil With Color and Flavor Added," and (Gioiosa brand) "Cottonseed Oil With Color and Flavor Added." Similar stickers had apparently been removed from the other cans.

On August 11, 1941, the United States attorney for the District of Rhode Island filed a libel against 90 cases, each containing 6 gallon cans, of oil at Providence, R. I., alleging that the article had been shipped on or about July 17, 1941, by Domestic Oil Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Pulcella Brand Extra Fine Oil," or "Extra Fine Oil Gioiosa Brand Pure Oil F. Massimino."

Both brands of the article were alleged to be misbranded (1) in that it was an imitation of another food, olive oil, and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (2) in that the name of the article, the name and place of business of the packer, and the declaration of color and flavor, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; (3) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact; and (4) in that the labels contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by law to appear on the labels. The Pulcella brand was alleged to be misbranded further (1) in that the statement "Olio Finissimo" was false and misleading since it had been used from time immemorial as a designation for olive oil, especially to Italian-speaking people; (2) in that the design of a woman in foreign costume, with a lion and a can of oil, was false and misleading since it created the impression that the article was of foreign origin; and (3) in that the statement "Corn Oil" was false and misleading since the article consisted essentially of cottonseed oil. The Gioiosa brand was alleged to be misbranded further (1) in that the statement "Olio Puro Garantito Sotto Qualsiasi Analisi Chimica" and the design of olive leaves and gold medals were false and misleading since they created the impression that the article was olive oil and was of foreign origin; and (2) in that the statements, "Pure Oil" and "We guarantee this oil to be absolutely pure under chemical analysis," were false and misleading since the article was artificially colored and flavored.

On October 16, 1941, Domestic Oil Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2964. Adulteration and misbranding of oil. U. S. v. 49 Cans of Peanut and Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5953. Sample No. 56296-E.)**

Analysis showed that this product consisted essentially of artificially flavored and colored peanut oil with little, if any, olive oil, and it simulated olive oil in taste and color. Furthermore, it contained a coal-tar color other than one from a batch that had been certified for food use.

On or about October 6, 1941, the United States attorney for the District of New Jersey filed a libel against 49 gallon cans of oil at Newark, N. J., alleging that the article had been shipped on or about September 13, 1941, by Marino Edible Oil Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Zingarella Brand Oil."

The article was alleged to be adulterated in that it contained a coal-tar color other than one from a batch that had been certified as provided by law.

It was alleged to be misbranded (1) in that the statement "Peanut and Olive Oil" was false and misleading as applied to an artificially flavored and colored peanut oil containing little, if any, olive oil; (2) in that it was an imitation of another food, olive oil, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (3) in that its label contained representations in a foreign language (Italian) and the information required by law to appear on the label, i. e., a statement of the quantity of contents and a statement of ingredients, did not appear thereon in the foreign language; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On November 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**OLEOMARGARINE**

**2965. Misbranding of oleomargarine. U. S. v. 50 Cases of Oleomargarine. Default decree of condemnation. Product ordered delivered to a local charitable agency. (F. D. C. No. 6246. Sample No. 64371-E.)**

This product was deficient in fat.

On November 18, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 50 cases, each containing 30 1-pound cartons, of oleomargarine at Pittsburgh, Pa., alleging that the article had been shipped